

REMARKS/ARGUMENTS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

Claims 1-20 are now pending. Applicant notes with appreciation the Examiner's indication that claims 3 and 7-10 contain allowable subject matter. New claims 13-17 correspond to original claims 3 and 7-10 with new claims 13 and 14 corresponding to original claims 3 and 7 in independent form. It is therefore respectfully submitted that claims 13-17 should be allowed.

Original claim 1 was rejected under 35 USC 102(e) as being anticipated by Muraji et al. Applicant respectfully traverses this rejection.

The present invention as recited by way of example in amended claim 1 is characterized in that the magnetic flux generating means (generator) such as a magnet 5 and the magnetic flux reducing means (reducer) such as external magnet 11 are provided so as to be rotatable relative to one another. Thus, as recited in claim 1, at least one of the magnetic flux generating means and the magnetic flux reducing means is rotatable relative to the other. Thus, the magnetic flux passing through sensing element 7 may be reduced only at a specified angle range.

The Examiner considers rotor 116 of Muraji to correspond to the claimed magnetic flux reducing means. Further, the Examiner considers magnet 114 to comprise the claimed magnetic flux generating means. However, according to Muraji's disclosure, the rotor 116 is fixed to magnets 114,115 and therefore neither the rotor nor the magnets is rotatable relative to the other. Consequently, claim 1 as presented hereinabove is not anticipated by Muraji. Further, it would not have been obvious from Muraji to provide rotor 116 and magnets 114,115 so as to be rotatable relative to one another. Therefore, claim 1 is not anticipated by nor obvious from Muraji.

New independent claim 18 is submitted to be allowable over the applied art at least for the same reasons as advanced above with respect to amended claim 1, because it also includes the relative rotation limitation.

Original claims 2 and 4-6 were rejected under 35 USC 103(a) as being unpatentable over Muraji in view of Hamaoka et al. Applicant respectfully traverses this rejection.

As noted above, Muraji does not anticipate nor render obvious the subject matter of independent claim 1 from which claims 2 and 4-6 depend. Even if a magnetic member made of magnetic material is provided as the "magnetic flux reducing means" 116 of Muraji, according to Muraji's teachings, that component will nevertheless be fixed to magnets 114 and 115. Therefore, even if Muraji is modified in view of Hamaoki, the invention recited in applicant's claims 1, 2 and 4-6 would still not be anticipated nor obvious. Therefore, even if the prior art could be combined, the claimed invention would not be anticipated nor obvious.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and an early Notice to that effect is earnestly solicited.

Respectfully submitted,

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